

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated March 6, 2008.

Claims 1-18 are in the application.

In the office action the Examiner object to claims 7-9 and 16-18 stating that they recite the same or duplicate limitations. In response thereto it is noted that claims 7, 8 and 9, though ostensibly citing the same limitations, are in fact of permissible different scope since they are dependent on different base claims, 1, 5 and 6 respectively. Similarly, claims 16, 17 and 18 are dependent on different base claims, 10, 14 and 15 respectively. Such claims should not be objectionable as they are typically used instead of claims with multiple dependencies. Withdrawal of the objection is in order and is so requested.

Claims 1-18 were rejected under 35 USC 103(a) as being unpatentable on the basis of Egusa et al. in view of Sakoda. In support of such rejection, Egusa was cited as disclosing a radio base station apparatus with a storage unit having upper limit values of transmission power with first and second thresholds and priority levels. The Examiner however noted that Egusa does not explicitly disclose monitoring total transmission power, reducing power to the lowest priority mobile station terminal above the first threshold and terminating communication with the lowest priority mobile station terminal above the second threshold. Sakoda was accordingly cited as disclosing such storage unit with the above parameters and it was asserted that it would have been obvious to one skilled in the art to incorporate Sakoda's teaching into the teachings of Egusa to obtain the claimed invention. Figure 9 and col. 14, line 40 to col. 15, line 62 of Sakoda were specifically cited in this regard.

In response thereto it is submitted that the suggested combination does not result in the claimed invention as set forth in independent claims 1 and 10 (the Examiner has specifically equated claims 1 and 10 with respect to the same basis for rejection). Contrary to the Examiner's assertion, Sakoda only teaches the use of priority assignments to terminate communication of a low priority (though not necessarily the lowest priority as in claims 1 and 10) at a maximum power. Sakoda, however, does not disclose, teach or even suggest power reduction based on priority at a second threshold but indicates an overall reduction of power to permit the setting of new communications at lower power levels. Apparently the Examiner has read the setting of terminals as relating to specific lowering of power levels. This is, however, an erroneous reading

of the very sections and drawing cited by the Examiner. Sakoda's flow chart of Figure 9 shows only disconnection of low priority channels at 208 and 211 at maximum power. At all other conditions there is only acceptance of a new channel at 204, connection of high priority channel at 212 or rejection of new channel at 210. Setting gain at 206, 207, and 203 are unrelated to any priority channels.

This is clearly evident from the cited section of Sakoda, namely, column 15, lines 5-57, which describes Figure 9:

If on the other hand the total gain exceeds the maximum power P_{max} as represented by a YES at the decision step 205, then control goes to a step 207, whereat the variable gain setting circuit 20 sets the total gain to the maximum power P_{max} by decreasing the gain of the signal (power control information) and the power control information is transmitted at the maximum power.

After the gain had been adjusted at the step 206 or 207, control goes to a step 208, whereat a channel with the lowest priority and whose transmission electric power of power control information is largest is judged from channels with the lowest priority of channels set by the current base station to communicate with terminal stations and one of the judged channels is disconnected. ...

If on the other hand a terminal station issues a channel connection request with a terminal station with a high priority as represented by a YES at the decision step 209, control goes to a step 211, whereat channels whose transmission electric power of power control information is largest are judged from channels which are not being set to terminal stations with priorities lower than that of the terminal station which issued the connection request and one of the judged channels is disconnected. Then, control goes to a step 212, at which the channel is set to the terminal station with the high priority judged at the step 209 by using the margin of the disconnected channel.

In this manner, when the total transmission power of the power control information exceeds the threshold value, **since the channel is set or disconnected based on the priority set at every terminal station, a terminal station with a higher priority is connected to the base station with a priority. Accordingly, a channel can be rapidly set to a terminal station with a high importance of communication by properly setting priorities in response to an importance of communication.**

While the channel is set or disconnected based on the priorities under the condition that transmission electric powers of individual power control information are changed adaptively in the steps of the flowchart shown in FIG. 9, when the transmission electric power of the power control information is made constant, channels may be set or disconnected based on priorities of respective terminal stations. (emphasis supplied)

Thus, Sakoda teaches that the lowest priority is used to determine which channel is to be disconnected, and that at the threshold value higher priority channels are set with a priority. Sakoda and Eguda et al. do not disclose, teach or even suggest the limitation of claim 1 (and claim 10) of “reducing the upper limit value of the transmission power for said mobile station terminal which is assigned the lowest priority level when the total transmission power exceeds the first threshold”.

Since neither of the cited references discloses or teaches a limitation of the claim, the combination of the references does not render claims 1 and 10 obvious. The Examiner is accordingly requested to review and withdraw the rejection of independent claims 1 and 10 and dependent claims 2-9 and 11-18 for at least the reasons given with respect to claims 1 and 10.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

THIS CORRESPONDENCE IS BEING
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Respectfully submitted,



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